

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF :
AMERICA, :
Plaintiff, : Case No. 3:07-cr-81 (1)
v. :
DANIEL GARCIA-GUIA, : Judge Walter H. Rice
Defendant. :

ORDER SUSTAINING MOTION TO SUPPLEMENT AND OVERRULING
MOTION FOR REDUCTION OF SENTENCE REDUCTION PURSUANT
TO 18 U.S.C. § 3582 (DOC. #1084) OF DEFENDANT DANIEL
GARCIA-GUIA

Before the Court is the Consolidated Motion to Supplement and Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582 ("Compassionate Release Motion") of Defendant Daniel Garcia-Guia. (Doc. #1084). In the Motion to Supplement, Defendant seeks to submit outside materials in support of his Compassionate Release Motion and to argue that *Alleyne v. United States*, while not retroactive, should be considered by this Court in determining whether his sentence is "unusually long." (*Id.* at PAGEID 6703, citing *Alleyne*, 570 U.S. 99 (2013)). These requests are well-taken, and the Motion to Supplement is SUSTAINED.

However, in the Entry overruling his previous Motion for Compassionate Release (Doc. #1083), the Court concluded that even if there were a change of law to consider, the nature and circumstances of his particular crime meant that

his sentence was not unusually long; thus, Defendant was not eligible for relief under Amendment 814 to the United States Sentencing Guidelines. (Doc. 1085, PAGEID 6721-23, citing 21 U.S.C. § 848(a); U.S. SENT'G GUIDELINES MANUAL § 1B1.13(b)(6)). Defendant has submitted nothing in the instant Motion and supporting exhibits that would cause the Court to reconsider that conclusion. Accordingly, the Compassionate Release Motion is OVERRULED.

The captioned case remains terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

IT IS SO ORDERED.

December 5, 2024

Walter H. Rice
WALTER H. RICE, JUDGE
UNITED STATES DISTRICT COURT